

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY, AUGUST 2, 1995**

Members

Present: Patrick J. Gilmartin, Chairman
Robert Buford
Peter Lilienfield

Members Absent: William Bush
Joseph Elliot

Also Present: Ralph Mastromonaco & Bruce Donohue,
Consultants
to the Planning Board
Brenda Livingston & William Hoffman, Ad Hoc
Planning
Board Members
Eugene Hughey, Building Inspector
Florence Costello, Recording Secretary
Thomas Jackson, Environmental Conservation
Board
Joseph Jacoby, J&L Reporting Service, for
Westwood
Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 93-04 - Vahid & Mashid Noshirvani
Sht. 7B, Bl. 249, Lot 6, 6A
94-03 - Westwood Development Associates,
Inc.
Sht. 10,11, Lot 25,25K,P25J2
94-09 - R.R. Irvington Associates
Lot #66
94-14 - Holy Spirit Association for the
Unification
of World Christianity
Sht. 10, P-3
95-01 - Stephanie Scott
Sht. 1, P-3, P-5A2
95-15 - Irvington Volunteer Ambulance Corps

Sht. 6, Bl. 214, Lot 1

The Chairman called the meeting to order at 8:00 p.m.

IPB Matter #95-15:
Volunteer Ambulance

Development Plan

Street.

Application of Irvington
Corps for Waiver of Site
Approval for property at 80 Main

Stuart Goldberg, Captain of the Irvington Volunteer Ambulance Corps, appeared on behalf of the application. The Applicant furnished an Affidavit of Mailing and Publication for Public Hearing for a Waiver of Site Development Plan Approval. The proposed development consist of the addition of a second story on the existing one story building of the Irvington Volunteer Ambulance Corps. Specific details regarding the proposal are outlined in the July 1995 minutes.

The Chairman opened Public Hearing, and with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Public Hearing was required due to the property being located in the Village's Business District. There being no comments from the Board's Engineering Consultant or the public, the Chairman closed the Public Hearing.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following resolution.

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not

affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

The Chairman then raised a procedural matter for the Board's attention dealing with correspondence between the Planning Board and the Environmental Conservation Board. The issue deals with the procedures adopted by the Planning Board for notifying the ECB of pending matters, and the time frame within which responses with regard to the Village's Open Space Inventory are expected to be received. The ECB indicated in a July 24, 1995 letter to the Board that the law provides them with 45 days within which they can respond, and that there is no assurance that they will respond in every instance, or in a shorter period.

The Chairman indicated that this 45 day time frame would contradict the Board's own regulations regarding the time within which it must respond to pending applications. He proposed that the Board adopt a requirement that the Village Clerk, the Chairman of the ECB, or a Village Trustee provide a signed certification to the Planning Board indicating if an application is listed on the Village's Open Space Inventory and whether the ECB might provide comment to the Planning Board. Instances where ECB comment might be submitted to the Planning Board would result in an application not being placed on the Planning Board's Agenda until the earlier of a) ECB response having been received, b) ECB indicating that no comments will be provided, or c) 50 days after the application was submitted to the Clerk of the Planning Board.

The Chairman indicated that the resolution, if adopted by the Planning Board, would go into effect within 60 days if not specifically rejected by the Board of Trustees.

The Chairman then distributed copies of the specific proposal, presented below, and the form to be used (attached) to the Board. Following discussion, the Board unanimously approved the adoption of the regulation. A copy of the adopted regulation was provided to Mr. Jackson of the ECB when he arrived later in the evening, and the Chairman indicated that he would arrange for a copy to be forwarded to the Village Board for consideration under Section 243-01 of the Village Code.

Matter #94-09:
Associates for

Application of R.R. Irvington

Approval
Manor/Bracebridge

Modified Site Development Plan
for Lot #66, Irvington
Subdivision.

James Ryan, R.L.A. of John Meyer Consulting and David S. Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., appeared for the Applicant. Mr. Lilienfield recused himself from all actions regarding this proposal; his place was taken by Ms. Brenda Livingston, Ad Hoc Planning Board Member. The Chairman opened a public hearing on the Application, the Applicant having submitted proofs of the giving of required notices and publication.

The Applicant submitted new plans entitled "Watershed Protection Plan Lot 66", dated July 20, 1995. This plan provides details of modification to the previously approved plan for this lot, specifically the movement of the rear yard limits of disturbance back 45 feet from its current location. This will result in the disturbance of a portion of the site within the Watershed, which requires Board Approval.

Discussion centered on means of mitigating any potential impact, including the addition of a gravel settlement trench and the use of sod as the primary covering rather than growing grass from seed. The Chairman also noted receipt of a letter from the ECB dated July 11, 1995 in which the ECB suggested that there

is no reason why the Remedial Legislation (Section 243-81 G, H and I of the Village Code) would need to be invoked because a site plan amendment is part of the Board's overall approval process, and in which the ECB also indicated that while it did not find any specific issue with the proposal, it was concerned with the precedent that might be set on this and other projects. The Chairman said he thought the ECB's view on the non-necessity of invoking the Remedial Legislation was correct. He expressed the view that if the Board's action was setting any precedent at all, that precedent would only be that in a proper case and for good cause shown the Board would grant an application to modify a previously approved site development plan. There was no precedent that the Board would have to approve a modification it deemed unwarranted or harmful.

After discussion, on motion duly made, seconded and unanimously approved, the Board then approved the modified Site Development Plan for Lot No. 66 as shown on the drawings captioned "Watershed protection Plan (Lot #66)" dated July 20, 1995.

The Board subsequently signed the modified plan.

Mr. Steinmetz indicated that the Applicant would be submitting 2 or 3 site plans at the September meeting, and asked that a site walk be arranged. The Chairman indicated that he would coordinate the determination of a mutually agreeable date and time.

IPB Matter #93-04:
Mashid Noshirvani for

Sewer Services

at 60 West

Application of Vahid &
Proposed Relocation of Sanitary
& Utility Easement for property
Clinton Avenue.

Mr. Noshirvani appeared personally for the Application. The Applicant submitted "Map of Proposed Relocation of Sanitary Sewer Services", dated July 6, 1995, "Map of Revised Utility Easement", dated June 22, 1995, and "Profile Proposed Relocation Sanitary Sewer Services for Lots 2 & 3" dated July 6, 1995.

The Chairman indicated that this was a preliminary meeting to discuss a proposed change to the previously adopted subdivision plat and site development plan for this property. Mr. Noshirvani indicated that the proposed revision will result in the relocation of the utility easement located to the west of the existing house on the front lot. The intent is to potentially allow the installation of a swimming pool towards the rear of the existing house. He indicated that the utilities which are to serve the two houses on the rear lots have already been installed within the existing easement. The Board scheduled a public hearing on the Application for its September 6 meeting and reminded Mr. Noshirvani to mail and publish the required notices of such hearing.

The Chairman also inquired about the status of the proposed elimination of the existing easement over Mr. Ramirez's property to the east of the front lot. He noted that a legal document would need to be drawn up with signatures of all involved parties, and stressed that this should be completed prior to the transfer of either of the rear lots or else additional property owner signature's might be required.

IPB Matter #95-01:
Scott for Subdivision
Sunnyside

Application of Stephanie
Approval for property at 6 West
Lane.

Mrs. Stephanie Scott appeared personally for this Application. Applicant submitted the following drawings prepared by Charles Riley, Land Surveyor: "Subdivision Map", dated February 15, 1995, revised June 28, 1995; "Development Plan", dated April 28, 1995, revised July 18, 1995; and "Profile", dated April 28, 1995, revised June 28, 1995. The Chairman also distributed a proposed resolution regarding Subdivision Approval.

The Chairman opened the Public Hearing for Preliminary Layout Approval, and added the dates of the most recently submitted plans to the proposed resolution. There was no further comment from the Board's Engineering Consultant or the Public, following which the Chairman closed the Public Hearing.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the

following resolution, and authorized the signing of the Plan by the Chairman and the Secretary.

The Chairman indicated that the Applicant would need to finalize the easements, record the plan in the County Land Office in White Plains, and get the appropriate signatures from the County Board of Health. In anticipation of being able to arrange these actions, the Board set a Public Hearing for Final Subdivision Approval for its September 6, 1995 meeting. The Applicant will need to send notice of the Public Hearing to affected property owners but need not publish.

<u>IPB Matter #94-03:</u>	Application of Westwood
Development	Associates,
Inc., for Limited Site Plan	
	Approval for property at
Broadway, Riverview	
	Road and Mountain Road.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated by reference. The Chairman indicated that he had received several letters from various parties, which he read into the transcript. Mr. Mastromonaco indicated that the Village Board will consider the adoption of the revised Zoning Map in August, which will resolve the issue of the zoning district boundary running through Section B of the property.

Mr. Saccardi presented a proposed Scoping Outline for the Draft Environmental Impact Statement, dated May 30, 1995. Each item on the outline was discussed, with comment from the Board and the public leading to its modification and expansion. The Chairman indicated that the Scoping Session should be held over until the September meeting, and asked that the Applicant provide a detail list of the Alternatives that would need to be studied. A revised Final Scope will subsequently be prepared by the Applicant, and circulated to the Board. The Chairman also indicated that a Site Capacity Determination could be considered at the September meeting.

<u>IPB Matter #94-14:</u>	Application of Holy Spirit
Association for the	

**Unification of World Christianity
for East
Garden Subdivision.**

No representatives of the applicant attended the meeting. The Chairman indicated that there was a slight modification to the resolution that had been circulated, dealing with the Site Capacity. He made the modification to the resolution, which was then signed by the Board in keeping with the motion made at the July 1995 meeting. A copy of the July resolution is attached to these minutes.

The Board then considered the following administrative matters:

Minutes of the June meeting were adopted, with Mr. Bush to sign upon his return.

The next regular meeting of the Planning Board was scheduled for Wednesday, September 6, 1995.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Secretary

Peter Lilienfield,